

1 Plaintiffs Terrence Zehrer, Andrew Fine, Tammy Federman SEP/IRA, and the Rosenfeld Family
 2 Foundation (collectively “Plaintiffs”), and nominal defendant Apple Inc. (“Apple”), by and through their
 3 undersigned counsel, stipulate as follows:

4 WHEREAS, the Court previously entered orders, pursuant to stipulations submitted by the parties,
 5 temporarily staying this action pending further developments in the consolidated securities fraud class
 6 action captioned *In re Apple Inc. Securities Litigation*, No. 4:19-cv-02033-YGR (N.D. Cal.) (*see* Dkt. Nos.
 7 43, 47, 49, 51, and 53);

8 WHEREAS, the most recently-entered stay expired on February 1, 2023 (*see* Dkt. No. 53);

9 WHEREAS, pursuant to paragraph 6 of the most recently-entered stipulation to stay this action
 10 (*id.*), the parties have now met and conferred concerning a proposed schedule for further proceedings;

11 WHEREAS, the parties agree it will preserve judicial and party resources to first brief and
 12 determine the issue of Plaintiffs’ standing to assert claims derivatively on behalf of Apple, before any
 13 briefing takes place on motions raising substantive issues concerning Plaintiffs’ claims pursuant to Federal
 14 Rule of Civil Procedure 12(b)(6);

15 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties, through their
 16 respective counsel of record, as follows:

17 1. On or before May 19, 2023, Plaintiffs shall either (a) file a Consolidated Complaint; or (b)
 18 file a notice designating one of the existing Complaints in this action as the operative Consolidated
 19 Complaint.

20 2. Nominal Defendant Apple shall file its anticipated motion to dismiss (“Apple’s MTD”) no
 21 later than June 19, 2023.

22 3. Plaintiffs shall file an opposition to Apple’s MTD no later than August 3, 2023.

23 4. Nominal Defendant Apple shall file a reply brief in support of Apple’s MTD no later than
 24 August 24, 2023.

25 5. A hearing on Apple’s MTD shall be set for October 3, 2023, at 2 p.m., or at a later date and
 26 time convenient to the Court.

27 6. The Individual Defendants shall not be required to answer or otherwise respond to the
 28 operative complaint pending the Court’s ruling on Apple’s MTD.

7. In the event Apple's MTD is denied, counsel will, within 10 days, meet and confer regarding a proposed schedule in connection with the Individual Defendants' response to the operative complaint, and will file a stipulation with the Court regarding the same.

8. By entering into this stipulation, the parties do not waive any rights or defenses not specifically addressed herein.

IT IS SO STIPULATED.

Dated: March 20, 2023

ORRICK, HERRINGTON & SUTCLIFFE LLP
JAMES N. KRAMER
ALEXANDER K. TALARIDES

/s/ James N. Kramer

JAMES N. KRAMER

The Orrick Building
405 Howard Street
San Francisco, CA 94105
Telephone: (415) 773-5700
E-mail:

jkramer@orrick.com
atarides@orrick.com

Counsel for Nominal Defendant Apple Inc.

1 Dated: March 20, 2023

WEISSLAW LLP
JOEL E. ELKINS

3 /s/ Joel E. Elkins
4 JOEL E. ELKINS

5 9107 Wilshire Blvd., Suite 450
6 Beverly Hills, CA 90210
7 Telephone: (310) 208-2800
8 Facsimile (310) 209-2348
9 E-mail: jelkins@weisslawllp.com

10 WEISSLAW LLP
11 DAVID C. KATZ (admitted *pro hac vice*)
12 MARK D. SMILOW (*pro hac to be filed*)
13 JOSHUA RUBIN (*pro hac to be filed*)
14 1500 Broadway, 16th Floor
15 New York, NY 10036
16 E-Mail: dkatz@weisslawllp.com
17 msmilow@weisslawllp.com
18 jrubin@weisslawllp.com

19 -and-

20 ROBBINS LLP
21 BRIAN J. ROBBINS
22 CRAIG W. SMITH
23 SHANE P. SANDERS
24 5040 Shoreham Place
25 San Diego, CA 92122
26 Telephone: (619) 525-3990
27 Facsimile (619) 525-3991
28 E-mail: brobbins@robbinsllp.com
csmith@robbinsllp.com
ssanders@robbinsllp.com

Co-Lead Counsel for Plaintiffs

22 I, James N. Kramer, am the ECF User whose ID and password are being used to file this
23 Stipulation and [Proposed] Order Regarding Schedule. In compliance with Civil L.R. 5-1(i), I hereby
24 attest that concurrence in the filing of this document has been obtained from each of the other signatories.

25 /s/ James N. Kramer
26 JAMES N. KRAMER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: March 27, 2023


HONORABLE YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE